

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEXOS MEDIA IP, LLC,	§	
v.	§	
NIKE, INC.	§	CASE NO. 2:22-cv-00311-JRG
	§	(Lead Case)
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LEXOS MEDIA IP, LLC,	§	
v.	§	
CDW LLC	§	CASE NO. 2:22-cv-00275-JRG
	§	(Member Case)
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LEXOS MEDIA IP, LLC,	§	
v.	§	
ULTA BEAUTY, INC.	§	CASE NO. 2:22-cv-00292-JRG
	§	(Member Case)
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LEXOS MEDIA IP, LLC,	§	
v.	§	
THE GAP, INC.	§	CASE NO. 2:22-cv-00299-JRG
	§	(Member Case)
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LEXOS MEDIA IP, LLC,	§	
v.	§	
WALMART, INC., et al	§	CASE NO. 2:22-cv-00316-JRG
	§	(Member Case)
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LEXOS MEDIA IP, LLC,	§	
v.	§	
NORTHERN TOOL & EQUIPMENT	§	CASE NO. 2:22-cv-00355-JRG
COMPANY, INC.	§	(Member Case)
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PARTIES' JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Patent Rule 4-3 and the Court's Docket Control Order (Dkt. 35), Plaintiff Lexos Media, IP LLC ("Plaintiff" or "Lexos Media") and Defendants Nike, Inc., CDW LLC, Ulta Beauty Inc., The Gap, Inc., Walmart Inc. and Wal-Mart.com USA, LLC, and Northern Tool & Equipment Company, Inc. (collectively, "Defendants") hereby submit their Joint Claim Construction and Prehearing Statement.

The patents-in-suit are U.S. Patent Nos. 5,995,102 (the “’102 Patent”), 6,118,449 (the “’449 Patent”), and 7,975,241 (the “’241 Patent”) (collectively, “the Asserted Patents”). The ’102 Patent was issued on November 30, 1999, based upon an application filed on June 25, 1997. The ’449 Patent was issued on September 12, 2000, based upon a continuation application of the ’102 Patent. The ’241 Patent was issued on July 5, 2011, based upon the same specification as in the application for the ’102 Patent. Plaintiff has asserted that Defendants have infringed Claim 72 of the ’102 Patent, Claims 1, 38, and 53 of the ’449 Patent, and Claim 35 of the ’241 Patent. The ’241 Patent is not asserted in Case No. 2:22-CV-00275-JRG (*Lexos Media IP, LLC v. CDW LLC*)

Section I below identifies the terms, phrases, or clauses within the asserted claim elements of the Asserted Patents for which the Parties have agreed as to the proper construction. Section II below and Exhibits 1-3 set forth the Parties’ proposed constructions for the disputed the terms, phrases, or clauses within the claim elements of the Asserted Patents, along with the identification of supporting intrinsic and extrinsic evidence. Section III below states the Parties’ positions regarding the length of the claim construction hearing. Section IV below addresses the expert testimony that the Parties may rely on in support of their proposed claim constructions. Section V below addresses the Parties’ current position on the need for a prehearing conference.

I. P.R. 4-3(a)(1): Agreed Claim Construction

Pursuant to Patent Rule 4-3(a)(1), the Parties have agreed to the construction of the claim terms, phrases, or clauses set forth hereto:¹

¹ If the Parties reach an agreement at a later date regarding any additional claim terms, the Parties plan to supplement this Joint Claim Construction and Prehearing Statement to reflect this agreement.

PROPOSED CLAIM TERM	PARTIES' PROPOSED CONSTRUCTION
“cursor image data” '102 Patent, Claim 72; '449 Patent, Claims 1, 38, and 53.	Plain and ordinary meaning.
“said specific image includes/including content corresponding to at least a portion of said information that is to be displayed on said display of said user's terminal” '102 Patent: Claim 72. '449 Patent: Claims 1, 27, 53.	“an image representative of at least a portion of the subject or topic being displayed on the screen.” <i>Lexos Media IP, LLC v. APMEX, Inc.</i> , Case No. 2:16-cv-00747-JRG-RSP, 2017 WL 1021366 at *5-6 (E.D. Tex. Mar. 16, 2017) (ECF Nos. 86, 91).
“specified content information” '102 Patent, Claim 72; '449 Patent, Claims 1, 38 and 53. “content information” '241 Patent, Claim 35.	The term “specified content information”/“content information” means “information provided to a user's terminal for use in the display, such as a web page.”

II. P.R. 4-3(b): Disputed Claim Construction

Pursuant to Patent Rule 4-3(a)(2), the charts identifying each party's proposed construction of each disputed claim term, phrase, or clause, together with an identification of all intrinsic and extrinsic evidence are set forth in the exhibits attached hereto:

CHART	EXHIBIT(S)
Parties' Joint Claim Construction Chart	Exhibit 1
Plaintiff's Claim Construction Chart Identifying Supporting Evidence	Exhibit 2
Defendants' Claim Construction Chart Identifying Supporting Evidence	Exhibit 3

III. P.R. 4-3(a)(3): Length of Claim Construction Hearing

According to the Court's Docket Control Order (Dkt. 35), the Claim Construction Hearing is scheduled to be held on October 12, 2023 at 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap.

Pursuant to Patent Rule 4-3(a)(3), the Parties anticipate requiring 90 minutes per side for the Claim Construction Hearing.

IV. P.R. 4-3(a)(4): Witness Testimony at Claim Construction Hearing

Pursuant to Patent Rule 4-3(a)(4), the Parties have agreed to not rely on expert witness testimony to support their claim construction arguments and hence, do not propose to call any witnesses, including experts, to provide testimony at the Claim Construction hearing. Should a material change in circumstances necessitate the use of expert witnesses, the Parties plan to supplement this Joint Claim Construction and Prehearing Statement.

V. Patent Rule 4-3(a)(5): Other Issues

Pursuant to Patent Rule 4-3(a)(5), the Parties do not believe that there are any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing.

Dated: July 21, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(c) on this 21st day of July 2023. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Eric W. Buether

Eric W. Buether

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that that counsel for the Parties have met and conferred on the 21st day of July 2023 regarding the content herein, and the Parties are all in agreement with this Joint Submission.

/s/ Eric W. Buether

Eric W. Buether

EXHIBIT 1

**PARTIES' P.R. 4-3(a)(2) JOINT CLAIM CONSTRUCTION CHART
OF DISPUTED CLAIM TERMS, PHRASES, OR CLAUSES**

Disputed Claim Term/ Phrase/Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Defendants' Proposed Claim Construction
<p>“corresponding to” as used in the phrase “cursor image data corresponding to a/said specific image”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, 53.</p>	<p>The meaning of “corresponding to” as used in the phrase “cursor image data corresponding to a/said specific image” means “associated with.”</p>	<p>Plain and ordinary meaning, or in the alternative, conforming to, in degree and kind.</p>
<p>“cursor display code”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.</p>	<p>The term “cursor display code” means “computer code for modifying the display of the cursor image.”</p>	<p>Plain and ordinary meaning. No construction required.</p>
<p>“cursor display instruction”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53; `241 Patent, Claim 35.</p>	<p>The term “cursor display instruction” means “an instruction operable to modify the display, in conjunction with other information, of a cursor image.”</p>	<p>Plain and ordinary meaning. No construction required.</p>

EXHIBIT 1

Disputed Claim Term/ Phrase/Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Defendants' Proposed Claim Construction
“cursor image” '102 Patent: Claim 72. '449 Patent: Claims 1, 27, and 53. '241 Patent: Claim 35.	The term “cursor image” means “the appearance of a cursor displayed on a user’s screen.”	“The movable image on a display screen whose position is controlled by a user interface and that indicates the point where input can be received from the user interface.”
“following receipt of the content information” '241 Patent, Claim 35	The phrase “following receipt of the content information” has its plain and ordinary meaning and requires no construction beyond the term “content information,” proposed above.	“Upon receipt of the content information from a server and not based on the position or movement of the cursor on a video monitor.”
“initial cursor image” and “said initial cursor image” '102 Patent, Claim 72; '449 Patent, Claim 53.	The term “initial cursor image” means “the appearance of the cursor on a user’s screen before the cursor image is modified into the ‘specific image.’” (Plaintiff contends that the terms “cursor image” and “initial cursor image” should be construed together and to mean the same thing)	“cursor image” should be construed as set forth separately. Plain and ordinary meaning for “initial” and “said initial,” which is “first in time.”

EXHIBIT 1

Disputed Claim Term/ Phrase/Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Defendants' Proposed Claim Construction
<p>“modified cursor image”</p> <p>`449 Patent, Claims 1 and 38; `241 Patent, Claim 35.</p>	<p>The term “modified cursor image” as used in Claims 1 and 38 of the `449 Patent means “the cursor image in the shape and appearance of a specific image.”</p> <p>The term “modified cursor image” as used in Claim 35 of the `241 Patent means “the cursor image modified to include at least the visual image.”</p>	<p>“cursor image” should be construed as set forth separately.</p> <p>Plain and ordinary meaning for “modified,” or in the alternative, the adjective “changed.”</p>

EXHIBIT 1

Disputed Claim Term/ Phrase/Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Defendants' Proposed Claim Construction
<p>“modifying [an initial cursor image]”</p> <p>“transforming [said initial cursor image]”</p> <p>“modify [said cursor image]”</p> <p>“modifying [a cursor image]”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53. `241 Patent, Claim 35.</p>	<p>“Changing (change) or replacing (replace) the form, shape or appearance of a cursor image.”</p>	<p>Plain and ordinary meaning. No construction required.</p>
<p>“promotional material”</p> <p>`241 Patent, Claim 35.</p>	<p>Plain and ordinary meaning. No construction required.</p>	<p>Plain and ordinary meaning, though this term refers to printed matter and is entitled to no patentable weight.</p>

EXHIBIT 1

Disputed Claim Term/ Phrase/Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Defendants' Proposed Claim Construction
“server” (computer or system) `102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53; `241 Patent, Claim 35.	A “server,” “server computer” or “server system” means “one or more pieces of computer equipment and the software running on the equipment used to provide services for one or more other computers or computing devices.”	Plain and ordinary meaning. No construction required.
“specific image” `102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.	A “specific image” is the same as a “modified cursor image.”	“explicitly defined image, which is static and representative of at least a portion of the subject or topic being displayed on the screen”
“specific image” (vs. “initial cursor image”/“cursor image”) `102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.	The “specific image” is not the “initial cursor image,” or the “cursor image” when referring to the initial cursor image.	“specific image” should be construed as set forth separately. “initial cursor image” should be construed as set forth separately. “cursor image” should be construed as set forth separately.

EXHIBIT 1

Disputed Claim Term/ Phrase/Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Defendants' Proposed Claim Construction
[the visual image] “tracks a movement” [of the modified cursor image] '241 Patent, Claim 35.	The term “the visual image tracks a movement of the modified cursor image” means “the visual image moves according to a movement of the modified cursor.”	“The visual image moves the same distance in both X- and Y-directions as the modified cursor image”
“visual image” '241 Patent, Claim 35.	Plain and ordinary meaning.	“A moveable image specified by the cursor display instruction”

EXHIBIT 2

**PLAINTIFF’S P.R. 4-3(a)(2) CLAIM CONSTRUCTION CHART
IDENTIFYING SUPPORTING EVIDENCE**

Disputed Claim Term/ Phrase/ Clause for Claim Construction	Plaintiff’s Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence¹
<p>“corresponding to” as used in the phrase “cursor image data corresponding to a/said specific image”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, 53.</p>	<p>“associated with”</p>	<p><i>KeyMe, LLC v. Hillman Grp., Inc.</i>, No. CV 19-1539-LPS, 2021 WL 243252, at *7 (D. Del. Jan. 25, 2021) (“At the hearing, Hillman also agreed that “corresponds to” is synonymous with “is associated with”).</p> <p>`102 Patent, 3:4-14; `102 Patent, 17:62 to 18:3.</p>
<p>“cursor display code”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.</p>	<p>“computer code for modifying the display of the cursor image.”</p>	<p>`102 Patent, Abstract; `102 Patent, Figure 5; `102 Patent, 8:52-57; `102 Patent, 8:34-37; `102 Patent, 13:19-30; `102 Patent, 24:30-33.</p>
<p>“cursor display instruction”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53; `241 Patent, Claim 35.</p>	<p>“an instruction operable to modify the display, in conjunction with other information, of a cursor image.”</p>	<p>`102 Patent, Abstract; `102 Patent, Fig. 4; `102 Patent, 4:31-45; `102 Patent, 8:52-62; `102 Patent, 10:23-41.</p>

¹ All references to the Asserted Patents are related to the ‘102 Patent unless otherwise noted.

EXHIBIT 2

Disputed Claim Term/ Phrase/ Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence ¹
<p>“cursor image”</p> <p>'102 Patent: Claim 72. '449 Patent: Claims 1, 27, and 53. '241 Patent: Claim 35.</p>	<p>“the appearance of a cursor displayed on a user’s screen.”</p>	<p>‘102 Patent, Abstract. ‘102 Patent, 3: 4-15. ‘102 Patent, 7:5-15.</p>
<p>“following receipt of the content information”</p> <p>'241 Patent, Claim 35</p>	<p>Plain and ordinary meaning. No construction required.</p>	
<p>“initial cursor image” and “said initial cursor image”</p> <p>'102 Patent, Claim 72; '449 Patent, Claim 53.</p>	<p>“the appearance of the cursor on a user’s screen before the cursor image is modified into the ‘specific image.’”</p> <p>(Plaintiff contends that the terms “cursor image” and “initial cursor image” should be construed together and to mean the same thing)</p>	<p><i>Lexos Media IP, LLC v. APMEX, Inc.</i>, No. 216CV00747JRGRSP, 2017 WL 1021366, at *2–3 (E.D. Tex. Mar. 16, 2017).</p> <p>'102 Patent, Abstract; '102 Patent, 5:15-18; '102 Patent, 14:28-59; '102 Patent, 17:15-21.</p>

EXHIBIT 2

Disputed Claim Term/ Phrase/ Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence ¹
<p>“modified cursor image”</p> <p>`449 Patent, Claims 1 and 38; `241 Patent, Claim 35.</p>	<p>The term “modified cursor image” as used in Claims 1 and 38 of the `449 Patent means “the cursor image in the shape and appearance of a specific image.”</p> <p>The term “modified cursor image” as used in Claim 35 of the `241 Patent means “the cursor image modified to include at least the visual image.”</p>	<p>`102 Patent, 17:5-14; `102 Patent, 18:46-51; `102 Patent 23:28-30; `102 Patent 23:60-62; `449 Patent, 18:53-54; `449 Patent, 20:48-49.</p>
<p>“modifying [an initial cursor image]”</p> <p>“transforming [said initial cursor image]”</p> <p>“modify [said cursor image]”</p> <p>“modifying [a cursor image]”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53. `241 Patent, Claim 35.</p>	<p>“Changing (change) or replacing (replace) the form, shape or appearance of a cursor image.”</p>	<p>`102 Patent, Abstract; `102 Patent, Figs. 7-9; `102 Patent, 4:4-12; `102 Patent, 3:51-57; `102 Patent, 8:38-44; `102 Patent, 9:15-20; `102 Patent, 9:10:37-41; `102 Patent, 11:34-37; `102 Patent, 11:49-61.</p>

EXHIBIT 2

Disputed Claim Term/ Phrase/ Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence ¹
<p>“promotional material”</p> <p>`241 Patent, Claim 35.</p>	<p>Plain and ordinary meaning. No construction required.</p>	<p>`102 Patent, 17:9-14; `241 Patent, 21:32-33; `241 Patent, 22:59-60; `241 Patent, 24:53-54; LEXOS0001228-33.</p>
<p>“server” (computer or system)</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53; `241 Patent, Claim 35.</p>	<p>A “server,” “server computer” or “server system” means “one or more pieces of computer equipment and the software running on the equipment used to provide services for one or more other computers or computing devices.”</p>	<p><i>SimpleAir, Inc. v. Google, Inc.</i>, No. 2:13-CV-0937-JRG, 2015 WL 1906016, at *13 (E.D. Tex. Apr. 27, 2015).</p> <p>`102 Patent, Figure 2.</p>
<p>“specific image”</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.</p>	<p>A “specific image” is the same as a “modified cursor image.”</p>	<p><i>Lexos Media IP, LLC v. APMEX, Inc.</i>, No. 216CV00747JRGRSP, 2017 WL 1021366, at *5–6 (E.D. Tex. Mar. 16, 2017).</p> <p>`102 Patent, Abstract. `102 Patent, 2:58-62; `102 Patent, 3:4-10; `102 Patent, 3:48-50; `102 Patent, 3:62 to 4:3; `102 Patent, 7:7-9. `102 Patent, 24:14-18; `102 Patent, 24:22-24.</p>

EXHIBIT 2

Disputed Claim Term/ Phrase/ Clause for Claim Construction	Plaintiff's Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence ¹
<p>“specific image” (vs. “initial cursor image”/“cursor image”)</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.</p>	<p>The “specific image” is not the “initial cursor image,” or the “cursor image” when referring to the initial cursor image.</p>	<p><i>Lexos Media IP, LLC v. APMEX, Inc.</i>, No. 216CV00747JRGRSP, 2017 WL 1021366, at *2 (E.D. Tex. Mar. 16, 2017).</p>
<p>“the visual image tracks a movement of the modified cursor image”</p> <p>`241 Patent, Claim 35.</p>	<p>The term “the visual image tracks a movement of the modified cursor image” means “the visual image moves according to a movement of the modified cursor.”</p>	<p>`102 Patent, 9:39-65 `102 Patent, 16:14-20 `102 Patent, 17:15-31.</p>
<p>“visual image”</p> <p>`241 Patent, Claim 35.</p>	<p>Plain and ordinary meaning. No construction required.</p>	

EXHIBIT 3

**DEFENDANTS' P.R. 4-3(a)(2) CLAIM CONSTRUCTION CHART
IDENTIFYING SUPPORTING EVIDENCE**

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“corresponding to” as used in the phrase “[(at least one indication of)] cursor image data corresponding to a [(or said)] specific image”</p> <p><i>See</i> '102 patent, claim 72; '449 patent, claims 1, 27, 53; '241 patent: none.</p>	<p>Plain and ordinary meaning, or in the alternative, conforming to, in degree and kind.</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at Abstract. • '102 patent at 2:63-3:3. • '102 patent at 3:57-4:12. • '102 patent at 4:46-49. • '102 patent at 6:54-61. • '102 patent at 8:57-59. • '102 patent File History, Dec. 14, 1998 Response to Office Action at 5, 7. • Corresponding portions of the other specifications. <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • Webster's II, New Collegiate Dictionary (1995), p.253 (“corresponding”).

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“cursor display code”</p> <p><i>See</i> '102 patent, claim 72; '449 patent, claims 1, 27, 53; '241 patent: none.</p>	<p>Plain and ordinary meaning. No construction required.</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at Abstract. • '102 patent at Fig. 5. • '102 patent at 8:52-67. • '102 patent at 9:1-30. • '102 patent File History, April 8, 1999, Response to Office Action at 2-4, 7, 10. • IPR2018-01755 ('449 Patent), Patent Owner Response, pp.6-7; '449 patent at 9:5-24, 13:38-50. • Corresponding portions of the other specifications.

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“cursor display instruction”</p> <p><i>See</i> '102 patent, claim 72; '449 patent, claims 1, 27, 53; '241 patent: none.</p>	<p>Plain and ordinary meaning. No construction required.</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at Abstract. • '102 patent at Fig. 4. • '102 patent at 4:31-40. • '102 patent at 8:59-67. • '102 patent at 9:1-30. • '102 patent at 11:18-30. • '102 patent File History, April 8, 1999, Response to Office Action at 2-4, 7, 10. • '241 patent File History, April 1, 2010, Response to Office Action at 22-25. • IPR2018-01755 ('449 Patent), Patent Owner Response, pp.6; '449 patent at 8:49-9:4. • Corresponding portions of the other specifications.

<p>“cursor image”</p> <p><i>See</i> ’102 patent, claim 72; ’449 patent, claims 1, 27, 53; ’241 patent: claim 35.</p>	<p>“The movable image on a display screen whose position is controlled by a user interface and that indicates the point where input can be received from the user interface.”</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • ’102 patent at Abstract. • ’102 patent at Fig. 4. • ’102 patent at 3:26-4:3. • ’102 patent at 7:5-15. • ’102 patent at 7:49-55. • ’102 patent at 8:28-37. • ’102 patent at 9:60-62. • ’102 patent at 16:14-20. • ’102 patent at 17:22-24. • Corresponding portions of the other specifications. <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • IBM Dictionary of computing (1994) at p. 159. • IEEE Dictionary of Standard Electrical Terms (1996) at 244. • Webster’s New World Dictionary of Computer Terms (1994) at 140. • Encyclopedia Macintosh (1990) – at 723. • Business Dictionary of Computers, (1993) at p. 79. • A Dictionary of Computing, 4th Edition, (1997) at pp. 114-15. • U.S. 5,307,457 (Beitel et al.) • U.S. 5,652,851 (Stone et al.) • Netter, Atlas of Human Anatomy (1995) • Apple® Technical Introduction to the Macintosh® Family (1987), pp.95-96.
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Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“following receipt of the content information”</p> <p><i>See</i> '102 patent, none; '449 patent, none; '241 patent, claim 35.</p>	<p>“Upon receipt of the content information from a server and not based on the position or movement of the cursor on a video monitor.”</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at 13:38-41. • '241 patent File History, Oct. 25, 2010, Amendment in Response to Final Office Action Accompanying a Request for Continued Examination, pp.20-21, 23.
<p>“initial cursor image” and “said initial cursor image”</p> <p><i>See</i> '102 patent, claim 72; '449 patent, claim 53; '241 patent: none.</p>	<p>“cursor image” should be construed as set forth separately.</p> <p>Plain and ordinary meaning for “initial” and “said initial,” which is “first in time.”</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at Abstract. • '102 patent at Fig. 7. • '102 patent at 3:51-4:3. • '102 patent at 13:38-4:1. • Corresponding portions of the other specifications. <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • Webster's II, New Collegiate Dictionary (1995), p.570.

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“modified cursor image”</p> <p>See '102 patent, none; '449 patent, claims 1, 27; '241 patent: none.</p>	<p>“cursor image” should be construed as set forth separately.</p> <p>Plain and ordinary meaning for “modified,” or in the alternative, the adjective “changed.”</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at Abstract. • '102 patent at Fig. 4. • '102 patent at 2:40-43. • '102 patent at 2:58-62. • '102 patent at 3:26-4:3. • '102 patent at 6:35-46. • '102 patent at 7:5-15. • '102 patent at 7:49-55. • '102 patent at 8:28-37. • '102 patent at 8:54-61. • '102 patent at 9:60-62. • '102 patent at 11:53-55. • '102 patent at 16:14-20. • '102 patent at 17:22-24. • Corresponding portions of the other specifications. <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • Webster's II, New Collegiate Dictionary (1995), p.704 (“modify”). • <i>Lexos Media IP, LLC v. Amazon Consolidated Cases</i>, Doc. 89 (P.R. 4-3 Joint Claim Construction Statement, May 16, 2023), p.2 (Agreed Claim Construction for “modified cursor image”).

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“modifying [an initial cursor image]” <i>See</i> ’102 patent, claim 72; ’449 patent, claim 53; ’241 patent, none.</p> <p>“transforming [said initial cursor image]” <i>See</i> ’102 patent, claim 72; ’449 patent, claim 53; ’241 patent, none.</p> <p>“modify [said cursor image]” <i>See</i> ’102 patent, claim 72; ’449 patent, claims 1, 27, 53; ’241 patent, none.</p> <p>“modifying [a cursor image]” <i>See</i> ’102 patent, none; ’449 patent, claims 1, 27; ’241 patent, claim 35.</p>	<p>Plain and ordinary meaning. No construction required.</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • ’102 patent at Abstract. • ’102 patent at 2:44-47. • ’102 patent at 2:58-62. • ’102 patent at 3:51-4:3. • ’102 patent at 11:18-30. • ’102 patent at 13:38-41. • Corresponding portions of the other specifications. <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • Webster’s II, New Collegiate Dictionary (1995), p.704 (“modify”). • Webster’s II, New Collegiate Dictionary (1995), p.1170 (“transform”).

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“promotional material”</p> <p>See '102 patent, none; '449 patent, none; '241 patent, claim 35.</p>	<p>Plain and ordinary meaning, though this term refers to printed matter and is entitled to no patentable weight.</p>	<p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • <i>Lexos Media IP, LLC v. Amazon Consolidated Cases</i>, Doc. 89 (P.R. 4-3 Joint Claim Construction Statement, May 16, 2023), p.2 (Agreed Claim Construction for “promotional material”).
<p>“server”</p> <p>See '102 patent, claim 72; '449 patent, claims 1, 27, 53; '241 patent, claim 35.</p>	<p>Plain and ordinary meaning. No construction required.</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at Abstract. • '102 patent at Figs. 1 and 2. • '102 patent at 4:4-24. • '102 patent at 5:38-41. • '102 patent at 7:1-7. • '102 patent at 8:4-8. • Corresponding portions of the other specifications.

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“specific image”</p> <p>See '102 patent, claim 72; '449 patent, claims 1, 27, 53; '241 patent, none.</p>	<p>“explicitly defined image, which is static and representative of at least a portion of the subject or topic being displayed on the screen”</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at Abstract. • '102 patent at 2:40-43. • '102 patent at 2:58-62. • '102 patent at 6:35-46. • '102 patent at 8:54-61. • '102 patent at 11:53-55. • '102 patent at claim 57. • '449 patent at claims 18, 44, 65-66, 84-85. • '102 patent File History, Dec. 14, 1998, Response to Office Action at 35-37. • Corresponding portions of the other specifications. • <i>Lexos Media IP, LLC v. APMEX, Inc.</i>, Case No. 2:16-cv-00747-JRG-RSP, 2017 WL 1021366 (E.D. Tex. Mar. 16, 2017) (ECF Nos. 86, 91). <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • Webster's II, New Collegiate Dictionary (1995), p.1060 (“specific”). • U.S. 5,307,457 (Beitel et al.) • U.S. 5,652,851 (Stone et al.) • Netter, Atlas of Human Anatomy (1995) • Apple® Technical Introduction to the Macintosh® Family (1987), pp.95-96.

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“specific image” (vs. “initial cursor image”/“cursor image”)</p> <p><i>See</i> '102 patent, claim 72; '449 patent, claims 1, 27, 53; '241 patent: none.</p>	<p>“specific image” should be construed as set forth separately.</p> <p>“initial cursor image” should be construed as set forth separately.</p> <p>“cursor image” should be construed as set forth separately.</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • The intrinsic evidence cited elsewhere in this table for the respective terms being construed. <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • <i>Lexos Media IP. LLC v. APMEX, Inc.</i>, Case No. 2:16-cv-00747-JRG-RSP, 2017 WL 1021366 (E.D. Tex. Mar. 16, 2017) (ECF Nos. 86, 91).
<p>“the visual image tracks a movement of the modified cursor image”</p> <p><i>See</i> '102 patent, none; '449 patent, none; '241 patent, claim 35.</p>	<p>“The visual image moves the same distance in both X- and Y-directions as the modified cursor image”</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at 9:60-62. • '102 patent at 16:14-20. • '102 patent at Fig. 4, lines 221-223. • '241 patent File History, Feb. 18, 2011, Examiner's Amendment at 2-5. • Corresponding portions of the other specifications. <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • Webster's II, New Collegiate Dictionary (1995), p.1167 (“track”).

Disputed Claim Term/Phrase/Clause for Claim Construction	Defendants' Proposed Claim Construction	Supporting Intrinsic and Extrinsic Evidence
<p>“visual image”</p> <p><i>See</i> '102 patent, none; '449 patent, none; '241 patent, claim 35.</p>	<p>“A movable image specified by the cursor display instruction.”</p>	<p><u>Intrinsic evidence:</u></p> <ul style="list-style-type: none"> • Claims containing the limitation. • '102 patent at 17:50-58. <p><u>Extrinsic evidence:</u></p> <ul style="list-style-type: none"> • Webster's II, New Collegiate Dictionary (1995), p.1235 (“visual”).